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JAN 12 2004

In re Application of
Bianchi, et al.
Application No. 10/606,655
Filed: June 26, 2003
Attorney Docket No. 2797.1002-007
For: ARCHITECTURE FOR SIGNAL
DISTRIBUTION IN WIRELESS DATA
NETWORKS

OFFICE OF PETITIONS

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: DECISION GRANTING
: PETITION
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This is a decision on the petition under 37 CFR 1.53(e), filed November 5, 2003 (certificate of mailing date September 29, 2003), requesting, in effect, withdrawal of the September 12, 2003 Notice to File Missing Parts of Nonprovisional Application (Notice), insofar as it alleges that Figure 6 was omitted on filing.

The application was deposited on June 26, 2003. On September 12, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner, *inter alia*, that drawing figure 6 described in the specification appeared to have been omitted.


In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figure 6 be accorded a filing date of June 26, 2003 on the basis that 7 sheets of drawing figures, including drawing figure 6, were received in the Patent and Trademark Office (PTO) on June 26, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 26, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 7 sheets of drawings. The return postcard constitutes *prima facie* evidence that 7 sheets of drawing figures were filed on June 26, 2003. MPEP 503. A review of the image of the original filed application reveals that 7 sheets of drawings, including one containing figure 6, are present.

Accordingly, the request is granted.

Pursuant to petitioner's authorization, the \$130.00 petition fee will be credited to deposit account no. 08-0380.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of June 26, 2003 and the mailing of a corrected filing receipt. Office records will be corrected to show that 7 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.


E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>1/9/04</u>		2 Serial/Patent # <u>10/606,655</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	?	11/5/03	\$ 130							
<input checked="" type="checkbox"/>	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>8</td><td>--</td><td>0</td><td>3</td><td>8</td><td>0</td></tr></table>			0	8	--	0	3	8	0
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<u>Allegedly omitted drug fig. was here from day 1.</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>E. Shirene Willis</u>		TITLE: <u>Pet Attorney</u>									
SIGNATURE: <u>E. Shirene Willis</u>		PHONE: <u>308-6712</u>									
OFFICE: <u>Office of Patents</u>											
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APPROVED: <u>Alice Kelly</u>		DATE: <u>1/12/04</u>									

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